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In re Application of	:	
FOCKE et al.	:	DECISION ON
Application No.: 10/525,652	:	PAPERS UNDER 37 CFR 1.42
PCT No.: PCT/EP03/09206	:	
Int. Filing Date: 20 August 2003	:	
Priority Date: 26 August 2002	:	
Attorney Docket No.: Q86431	:	
For: CIGARETTE PACKAGING	:	

This decision is in response to the declaration filed 25 February 2005, which is being treated as a request under 37 CFR 1.42. No petition fee is required.

**BACKGROUND**

On 20 August 2003, applicants filed international application PCT/EP03/09206, which claimed a priority date of 26 August 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 25 March 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 26 February 2005.

On 25 February 2005, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; a translation of the international application; a preliminary amendment; and an executed declaration/power of attorney. The declaration is executed by: Valeri Goncharenko and Henry Buse as joint inventors and Doris Focke and Jurgen Focke on behalf of deceased inventor, Heinz Focke.

**DISCUSSION**

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

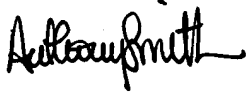
In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration filed 25 February 2005 is executed by Jurgen Focke and Doris Focke as the "legal representatives" of the deceased inventor. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

**CONCLUSION**

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.



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